IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 19TH DECEMBER 2006 / 28TH AGRAHAYANA 1928

WP(C).No. 40041 of 2003(P)

PETITIONER:

VIJAYAN K.V.,
BOAT MASTER (1566), KERALA STATE WATER TRANSPORT DEPARTMENT, ERNAKULAM.

BY ADV. SRI.C.P.SAJI
SRI.T.A.THOMAS

RESPONDENTS:

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1. THE STATE OF KERALA,
REPRESENTED BY THE FINANCE SECRETARY,
SECRETARIAT, THIRUVANANTHAPURAM.

2. MANAGING DIRECTOR,
KERALA STATE WATER TRANSPORT DEPARTMENT,
ALAPPUZHA.

BY GOVERNMENT PLEADER SMT.K.T.DEEPA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/12/2006, THE COURT ON 19/12/2006 DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: True photocopy of the appointment order issued to the petitioner by the 2nd respondent dated 3-10-78.

Ext.P2: True photocopy of the appointment order issued to the petitioner by the 2nd respondent dated 7-1-82.

Ext.P3: A true photocopy of the representation dated 3-10-2000 of the petitioner to the 1st respondent.

Ext.P4: True photocopy of the order dated, 18-8-2001 of the 1st respondent to the petitioner issued through the 2nd respondent.

Ext.P5: True photocopy of the judgement dated 7-11-2001 in O.P.No.3357/01.

Ext.P6: True photocopy of the notice issued to the petitioner dated 30-1-2002 by the Under Secretary Finance.

Ext.P7: True photocopy of the order dated 15-3-2002 of the Expenditure Secretary (Finance) issued to the petitioner.

Ext.P8: True copy of the representation submitted before the Minister for Transport dated 18-1-2003.

//True copy//

P.A. to Judge

KURIAN JOSEPH, J.

W.P. (C). NO. 40041 OF 2003

Dated this the 19th day of December, 2006

J U D G M E N T

The writ petition is filed with the following prayers:-

> "(ii) To issue a writ of certiorari or any other appropriate writ quashing the Ext.P7 order.
>
> (iii) To declare that the service of the petitioner in the post of Syrang in the State Water Transport Department from 3.10.78 to 14.2.82 are to be reckoned along with his service in the post of Boat Master for computing service period for granting Higher Grade Promotion.
>
> (iv) To issue a writ in the nature of mandamus or any other appropriate writ or order or direction directing the respondents to grant Time Bound Higher Grade Promotion to the petitioner reckoning the period of service of the petitioner as Syrang along with his service as Boat Master and to grant consequent service benefits admissible under law."

2. There is no counter affidavit. It is seen that the petitioner has retired from service. Petitioner had submitted Ext.P8 representation before the Government. Since the

petitioner has retired from service, it will be open to him to file a supplementary representation within two months from today. There will be a direction to the 1st respondent to look into Ext.P8 and the supplementary representation, if any filed by the petitioner, with notice to the petitioner, and pass appropriate orders thereon in accordance with law, within a period of four months from the date of receipt of a copy of this judgment.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE

vps

KURIAN JOSEPH, JUDGE

OP NO.

JUDGMENT

19th DECEMBER, 2006